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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERTO LARIOS CASTILLO,

Defendant and Appellant.

F045299

(Super. Ct. No. F02670299-7)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Brant Bramer, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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\*Before Dibiaso, Acting P.J., Vartabedian, J., and Levy, J.

On April 11, 2002, appellant, Roberto Larios Castillo, pled nolo contendere to assault with a deadly weapon by means of force likely to cause great bodily injury (Pen. Code, § 245, subd. (a)(1), count one) and to possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a), count two). Castillo admitted an enhancement alleging he inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)). On May 9, 2002, the trial court sentenced Castillo to the mitigated term of two years plus three years for the enhancement. The court imposed a concurrent two-year midterm for possession of a controlled substance. The court suspended execution of sentence and placed Castillo on probation for three years upon various terms and conditions.

On January 2, 2003, Castillo's probation was revoked and a bench warrant was issued for his arrest. Castillo was arrested. On March 24, 2004, he admitted the allegation that he violated the conditions of his probation. The court terminated probation and imposed the previously suspended sentence of five years in state prison.

Castillo's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, raises no issues, and requests this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Castillo was advised he could file his own brief with this court. By letter on June 22, 2004, we invited Castillo to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded no reasonably arguable legal or factual argument exists.

### **DISPOSITION**

The judgment is affirmed.